

### REMARKS

Claims 90-102 are currently pending. Claims 90-92, 94, 98, and 99 has been amended for clarification. Claim 103 has been canceled without prejudice or disclaimer. It is respectfully submitted that no new matter has been added.

#### **Claim Rejections under 35 U.S.C. § 112, second paragraph**

The Patent Office rejected claim 103 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement asserting that "A computer program product" is not described in the specification at the time the application was filed.

As claim 103 has been canceled, this rejection is moot.

#### **Claim Rejections under 35 U.S.C. 103(a)**

The Patent Office rejected claims 90-102 under 35 U.S.C. 103(a) as being unpatentable over Applicant's Background of the Invention (APA) on pages 1-4, in view of Ejzak, U.S. Patent No. 6,871,070.

Claim 90 recites as follows:

A method comprising: initiating a message, message set or session setup request in a first network, wherein the first network comprises a switched telephone network, routing the message, message set or session setup request from the switched telephone network to a media gateway control function of a second network of a different type from the first network, and **routing the message, message set or session setup request from the media gateway control function to a breakout gateway control function**, the breakout gateway control function deciding on the routing of the message, message set or session setup request.

Claim 91 recites as follows:

A system comprising: means for initiating a message, message set or session setup request in a first network, wherein the first network comprises a switched telephone network, means for routing the message, message set or session setup request from the switched telephone network to a media gateway control function of a second network, and **means for routing the message, message set or session setup request from the media gateway control function to a breakout gateway control**

**function** of the second network of a type different from the first type, wherein the breakout gateway control function is adapted to decide on the routing of the message, message set or session setup request.

Claim 92 recites as follows:

**A media gateway control function comprising:** means for receiving a message, message set or session set up request from a first network of a first type, wherein the first network comprises a switched telephone network, and **means for routing the message, message set or session setup request to a breakout gateway control function of a second network of a second type different from the first type**, the media gateway control function being provided in the second network different from the first type.

Claim 94 recites as follows:

**A breakout gateway control function comprising:** means for receiving a message, message set or session setup request from a media gateway control function, the message, message set or session setup request being initiated in a first network of a first type, and means for deciding on the routing the received message, message set or session set up request, wherein the first network is a switched telephone network, and the media gateway control function and the breakout gateway control function are provided in a second network of a second type different from the first type.

Claim 98 recites as follows:

**A method comprising:** receiving a message, message set or session setup request, at a media gateway control function, from a first network of a first type, the first network comprising a switched telephone network, and routing the message, message set or session setup request from the media gateway control function to a breakout gateway control function of a second network of a second type different from the first type.

Claim 99 recites as follows:

**A method comprising:** receiving a message, message set or session setup request from a media gateway control function, the message, message set or session setup request being initiated in a first network of a first type, and deciding on the routing the received message, message set or session setup request, wherein the first network is a switched telephone network, and the media gateway control function and a breakout gateway control

**function to which the media gateway control function routes the received message, message set or session setup request are provided in a second network of a second type different from the first type.**

The Patent Office asserted on page 3 of the November 5, 2010 Office Action as follows:

The APA, however, does not teach (1) routing the message, message set or session setup request from the switched telephone network to a media gateway control function of the second network, and (2) routing the message, message set or session setup request from the media gateway control function to a breakout gateway control function, (3) the breakout gateway control function deciding on the routing of the message, message set or session setup request.

The Patent Office further asserted on page 3 and on page 4 of the November 5, 2010 Office Action as follows: “The MGCF connects to the BGCF 144-fig. 1 for routing signals from the MGCF to the BGCF (corresponding to (2))” and “In Ejzak the BGCF 144-fig. 1 is the means for receiving a message ... from a MGCF, and deciding on the routing the received message.”

Claim 90 recites, in pertinent part, as follows:

**routing the message, message set or session setup request from the media gateway control function to a breakout gateway control function, the breakout gateway control function deciding on the routing of the message, message set or session setup request.**

Independent claims 91, 92, 94, 98, and 99 recite, similarly or identically, the subject matter noted above from claim 90.

Neither APA nor Ejzak teaches or suggests this claimed subject matter.

In Fig. 1 of Ejzak, both MGCF 145 and BGCF 144 are presented in the same network and separated with interface M<sub>j</sub>. However, the invention in Ejzak seems to relate to a new enhanced network element iMSC 201 in Fig. 1, which facilitates integration of PS and CS domains.

In col. 4, line 25 through col. 5, line 5, it is discussed what BGCF does in the system. Thus, it seems that according to this passage, BGCF decides on the routing. In this passage, Ejzak discloses that BGCF receives the message from CSCF and may route it to the MGCF. In col. 4, lines 46-52, Ejzak discloses “To select a PSTN gateway, BGCF 144 in the home network receives the call origination message, which in an exemplary embodiment is a SIP INVITE message” and “BGCF 144 needs to determine which network should be used to provide inter-working with PSTN 161.” But, in col. 11, lines 25-29, Ejzak discloses “S-CSCF 303 interacts

with BGCF 144 and MGCF 145 for calls to PSTN 161. S-CSCF 304 interacts with MGCF 145 for calls from PSTN 161.” Thus, Ejzak does not disclose that BGCF receives the message from MGCF, but discloses that when the PSTN interfaces with IMS during a call, the call passes through MGCF to S-CSCF and not to BGCF.

In col. 5, lines 5-40, of Ejzak, the role of MGCF is discussed. Ejzak here discloses that “BGCF 144 may be in the signaling path CSCF 143 and MGCF 145.” This passage does not disclose the MGCF is in the signaling path between CSCF and BCGF.

In col. 4, lines 9-18, Ejzak discloses as follows:

CSCF 143 has interfaces with many network elements, preferably as defined by the Third Generation Partnership Project standards, in standards document **3GPP TS 23.002**. CSCF 143 is preferably connected to a plurality of elements using the SIP protocol. These network elements include GGSN 133 via interface Gi, UE 111 using interface Gm (not shown), MGCF 145 using interface Mg, BGCF 144 using interface Mi, MRF 149 using interface Mr, IP Multimedia Domain 175 (not shown), iMSC server 201, and other CSCFs, such as CSCF 193, using interfaces Mw.

**3GPP TS 23.002 v 5.7.0** discloses as follows:

4a.7.6 Breakout Gateway Control Function (BGCF). The Breakout Gateway control function (BGCF) selects the network in which PSTN breakout is to occur and – within the network where the breakout is to occur – selects the MGCF.

6a.7.11 Reference Point BGCF – MGCF (Mj reference point). This reference point allows the Breakout Gateway Control Function to forward the session signaling to the Media Gateway Control Function for the purpose of interworking to the PSTN networks.

The Mj reference point is based on external specifications, i.e. SIP.

**At the time of Applicant’s invention, messages were not routed from the MGCF to BGCF in the manner claimed in Applicant’s exemplary embodiments of the invention.**

Since none of the references teaches or suggests “**routing the message, message set or session setup request from the media gateway control function to a breakout gateway control function,**” no purported combination of the cited references would teach or suggest this claimed subject matter.

Thus, claims 90-102 are not made obvious by APA in view of Ejzak.

Serial No.: 10/521,155  
Art Unit: 2465

The Patent Office is respectfully requested to reconsider and remove the rejections of the claims 90-102 under 35 U.S.C.103(a) based on APA and Ejzak, and to allow all of the pending claims as now presented for examination. An early notification of the allowability of now pending claims 90-102 is earnestly solicited.

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Respectfully submitted:

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